

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95,	)	
and 101 To Establish Uniform License Renewal,	)	
Discontinuance of Operation, and Geographic	)	WT Docket No. 10-112
Partitioning and Spectrum Disaggregation Rules	)	
and Policies for Certain Wireless Radio Services	)	
	)	
Imposition of a Freeze on the Filing of Competing	)	
Renewal Applications for Certain Wireless Radio	)	
Services and the Processing of Already-Filed	)	
Competing Renewal Applications	)	

**REPLY COMMENTS OF T-MOBILE USA, INC.**

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**REPLY COMMENTS OF T-MOBILE USA, INC.**

T-Mobile USA, Inc. (“T-Mobile”)<sup>1/</sup> submits the following reply comments in response to the comments filed regarding the *Further Notice of Proposed Rulemaking* (“*FNPRM*”) in the above-referenced proceeding.<sup>2/</sup> T-Mobile commends the recent steps the Commission has taken in this proceeding to advance its goals of promoting investment in and deployment of wireless services by making licensing requirements across certain wireless services more consistent and by streamlining the license renewal process.<sup>3/</sup> Unfortunately, the additional performance requirements under consideration in the *FNPRM* will undermine, rather than promote, the Commission’s goal to increase wireless service deployment, especially in rural America. The majority of comments demonstrate that the suggested performance requirements for renewal

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<sup>1/</sup> T-Mobile USA, Inc. is a wholly-owned subsidiary of T-Mobile US, Inc., a publicly traded company.

<sup>2/</sup> *Amendment of Parts 1, 22, 24, 27, 74, 80, 95 and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services*, Second Report and Order and Further Notice of Proposed Rulemaking, FCC 17-105 (rel. Aug. 3, 2017).

<sup>3/</sup> See *FNPRM*, ¶¶ 1-4.

terms will not create additional buildout – rather, they will *discourage* deployment and investment in areas that are difficult to serve. Carriers that wish to serve areas at current performance requirement levels may make the determination that they are unable – for economic, competitive, siting or other reasons – to meet enhanced buildout requirements, leading those carriers to simply abandon plans to cover those areas. Commenters agree that to encourage construction beyond licensees’ initial term obligations and promote service to underserved or unserved areas, the Commission has other, more effective tools, including providing licensees with incentives for further deployment on an opt-in, voluntary basis. Similarly, commenters uniformly oppose adoption of additional reporting obligations as unnecessary and counterproductive. Last, the elimination of band-specific obligations is beyond the scope of this proceeding.

## **I. THE RECORD SUPPORTS MAINTAINING CURRENT BUILDOUT RULES**

### **A. Additional Renewal Term Construction Requirements Are Unnecessary and Counterproductive**

The Commission asked “whether renewal term construction obligations beyond those applicable during a licensee’s initial license term would help achieve [its] goal of increasing the number of Americans with access to wireless communications services” including in rural areas.<sup>4/</sup> As the comments make clear, additional mandatory performance obligations on licensees would not be beneficial and would instead undermine the Commission’s goals.

The Commission’s proposed approach to promoting further buildout is unworkable for several reasons. *First*, the mobile wireless industry does not need to be prodded by additional regulation to promote buildout. As CTIA points out, “[w]ireless providers have continued to

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<sup>4/</sup> FNPRM, ¶ 100.

expand mobile broadband to rural areas over the past several years.”<sup>5/</sup> As a result, nearly 99 percent of the U.S. rural population has access to one or more LTE providers and nearly 93 percent of U.S. road miles are covered by at least one mobile LTE provider – and these numbers continue to increase each year.<sup>6/</sup> In addition, these coverage statistics do not account for required buildout that is still slated to occur under the existing rules. As Verizon highlights, “existing buildout rules will generate substantial, additional deployment over the next few years across multiple spectrum bands” as “many . . . wireless licenses are still in their initial terms, and licensees have not had to meet either initial or final buildout requirements imposed by existing rules.”<sup>7/</sup>

Further, as Verizon correctly notes, “[w]ireless providers have made enormous investments in their networks under these existing rules, and continue to do so.”<sup>8/</sup> In fact, massive investment by wireless carriers has made America the world’s wireless industry leader. In 2016 alone, U.S. wireless carriers invested approximately \$26.4 billion in their networks.<sup>9/</sup> This was not an anomaly. Indeed, since 2010, U.S. wireless carriers have invested more than \$200 billion in their networks,<sup>10/</sup> a figure which does not include tens of billions in carrier

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<sup>5/</sup> Comments of CTIA, WT Docket No. 10-112, at 3 (filed Oct. 2, 2017) (“*CTIA Comments*”).

<sup>6/</sup> *CTIA Comments* at 3-5; *see also Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, Twentieth Report, WT Docket No. 17-69, FCC 17-126 (rel. Sept. 27, 2017).

<sup>7/</sup> Comments of Verizon, WT Docket No. 10-112, at 11 (filed Oct. 2, 2017) (“*Verizon Comments*”); *see also CTIA Comments* at 9 (“[I]t is premature at best to impose substantial new buildout requirements on wireless providers. Many licenses are still in their initial terms, and licensees have not had to meet buildout requirements that will spur more deployment.”); *American Messaging Services Comments* at 5.

<sup>8/</sup> *Verizon Comments* at 3-5.

<sup>9/</sup> *See Wireless Snapshot 2017*, CTIA, <https://www.ctia.org/docs/default-source/default-document-library/ctia-wireless-snapshot.pdf> (last accessed Oct. 31, 2017).

<sup>10/</sup> *See id.*

expenditures on spectrum auctioned by the Commission.<sup>11/</sup> The success and continued growth of the wireless industry demonstrate that the Commission's existing performance requirements already encourage widespread deployment of wireless services and do not require adjustment during a renewal term to encourage the provision of additional service.

*Second*, the premise that added performance obligations will prompt more coverage is incorrect. A carrier's decision to expand service is based on a myriad of considerations. Build plans typically stretch across multiple years and are driven by a host of factors, including the availability of a mix of low-, mid- and high-band spectrum suitable to meet both coverage and capacity demands, the availability of roaming, the changing face of competition and consumer demand, and the availability of capital. For example, after T-Mobile finally acquired much needed low-band spectrum in the 700 MHz band that is ideal for greenfield coverage, it rapidly expanded its footprint into new markets where its customers previously had roamed. And T-Mobile has already begun deploying the 600 MHz spectrum it recently acquired in places like Cheyenne, Wyoming and other rural markets where the spectrum is clear of broadcasting today.<sup>12/</sup> But these decisions to cover new portions of the country were not based on arbitrary buildout requirements; they were based on the company's goal of having the best network, exploding demand for mobile wireless service, and the availability of unencumbered spectrum.

In short, the Commission will not be successful in upending the rational consideration of competitive and economic factors through prescriptive regulation. In fact, by ratcheting up coverage requirements upon renewal, the Commission may cause carriers to prematurely

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<sup>11/</sup> For instance, approximately \$19.3 billion in net bids were made in the recent Incentive Auction – T-Mobile alone spent over \$7.9 billion in this auction. *See Incentive Auction Closing and Channel Reassignment Public Notice*, Public Notice, 32 FCC Rcd. 2786, 2875-79 (2017).

<sup>12/</sup> *T-Mobile Lights Up World's First 600 MHz LTE Network at Breakneck Pace*, News Release, T-MOBILE (Aug. 16, 2017), <https://newsroom.t-mobile.com/news-and-blogs/cheyenne-600-mhz.htm>.

abandon hard-to-serve areas that, absent Commission interference, would have a place on the carrier's future buildout roadmap. The Commission itself has consistently recognized this fact by "adopt[ing] buildout requirements that balance the objectives of putting spectrum to productive use with not forcing uneconomic buildout."<sup>13/</sup> Mandatory additional buildout requirements, however, "would likely result in inefficient investment of capital by forcing all existing licensees into duplicative buildouts in . . . costly, hard-to-serve areas."<sup>14/</sup> Moreover, as commenters note, such requirements "would distort investment, potentially harming some customers" by diverting "limited capital away from areas that have proven need."<sup>15/</sup>

*Third*, imposing enhanced performance obligations on *existing* licensees would be particularly problematic. New performance requirements for existing licensees would disturb the renewal process, undermine carriers' reasonable, investment-backed expectations, create uncertainty, and deter future investment. As commenters make clear, when providers acquire spectrum, they make considered assessments of the value of that spectrum based on, among other things, the cost of providing services, including "the costs of complying with Commission rules,

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<sup>13/</sup> *CTIA Comments* at 13.

<sup>14/</sup> *Verizon Comments* at 12; *see also* Comments of American Messaging Services, LLC, WT Docket No. 10-112, at 3 (filed Oct. 2, 2017) ("*American Messaging Services Comments*") ("Requiring existing licensees to meet additional construction requirements could, however, result in multiple, overlapping networks in areas where it is not economic to build even one.").

<sup>15/</sup> *CTIA Comments* at 14; *see also* *Verizon Comments* at 13 ("The proposed rules would compel all licensees to deploy coverage merely to meet the new mandates, even where competitors are already providing service using other bands or, conversely, where the economics fail to support additional providers. . . . [A licensee] would have to divert capital away from where it can be invested most productively to meet consumer demand, and instead spend it to satisfy a regulatory mandate – even where doing so will not provide broadband to any unserved area."); *American Messaging Services Comments* at 4 ("Licensees have limited capital. Requiring them to spend that capital in specific areas will result in a decrease in spending in other areas that may need it more urgently."); Comments of Critical Messaging Association, WT Docket No. 10-112, at 3 (filed Oct. 2, 2017) ("*Critical Messaging Association Comments*") ("Imposing artificial new construction and operation obligations is the antithesis of allowing licensees to respond to market demand[.]").

including buildout requirements.”<sup>16/</sup> Imposing unanticipated expenses on providers will create a *post hoc* change to that calculus. Additional obligations would directly undercut the foundation for carriers’ past actions, “undermin[ing] licensees’ expectations where they determined what licenses to acquire, either at auction or in the secondary market, and at what price.”<sup>17/</sup> Worse, any action in this proceeding that signals the Commission’s willingness to change licensee obligations after authorizations are acquired could “have a chilling effect on spectrum auctions and the secondary spectrum market by deterring licensees from acquiring additional spectrum[,]” which would also depress auction results.<sup>18/</sup> The Commission should therefore not unfairly impose new obligations on licensees who have reasonably relied on the Commission’s existing performance requirements in valuing spectrum and licenses, deploying service, and making often substantial investments in their networks.

**B. Proposals to Impose Additional Performance Requirements on “Large” Providers Are Unjustified and Unwarranted**

The Commission should reject proposals by NTCA–The Rural Broadband Association (“NTCA”) and the Blooston Licensees to impose additional renewal construction benchmarks on a prospective basis on “large providers with large license territories.”<sup>19/</sup> Specifically, NTCA and

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<sup>16/</sup> *Verizon Comments* at 13; *CTIA Comments* at 15 (“When a provider makes the initial decision to purchase spectrum, it accounts for the cost of compliance with the Commission’s rules, including the performance requirements that call for particular levels of coverage at set points in time.”).

<sup>17/</sup> *CTIA Comments* at 15; *see also* Comments of Sensus USA Inc. and Sensus Spectrum LLC, WT Docket No. 10-112, at 2-3 (filed Oct. 2, 2017) (“*Sensus Comments*”) (“The Commission should not impose additional construction requirements on existing geographic licenses. Doing so would be contrary to the expectations of licensees that acquired licenses via competitive bidding, or in the secondary market, and would be inconsistent with the public interest.”); *Critical Messaging Association Comments* at 2-3.

<sup>18/</sup> *CTIA Comments* at 15; *see also* *Verizon Comments* at 13-15.

<sup>19/</sup> Comments of NTCA–The Rural Broadband Association, WT Docket No. 10-112, at 5 (filed Oct. 2, 2017) (“*NTCA Comments*”); Comments of Blooston Licensees, WT Docket No. 10-112, at 5 (filed Oct. 2, 2017) (“*Blooston Licensees Comments*”).



the Blooston Licensees both propose new performance obligations that would require buildout in rural areas covered by “large” geographic licenses in particular.<sup>20/</sup>

*First*, there is no basis to treat “large providers” any differently than other providers, or licensees with “large coverage areas” differently from licensees of smaller areas. In fact, these solutions – which would have the Commission shift focus away from rigorously enforcing existing performance requirements, including those applicable to small and rural providers – will do nothing to ensure service to rural areas. Rather, any such requirements would be detrimental.

As noted above, additional performance requirements could force duplicative buildout in areas that are not sufficiently populated to sustain more than one provider. And even when it may be economically feasible to provide service, carriers may be prevented by external forces from covering all areas – the proposed additional coverage requirements fail to account, for instance, for those areas where coverage is simply not feasible due to siting limitations or other factors. Imposing difficult-to-meet enhanced performance requirements in these areas could deter carriers from investing in them in the first place. Indeed, NTCA itself recognizes that serving some rural areas is economically difficult,<sup>21/</sup> but it would have carriers serving large geographic areas provide uneconomic coverage – potentially threatening the broader service provided. That outcome is not in the public interest. For similar reasons, the Commission should also reject the Rural Wireless Association’s suggestion for (i) a five-year post-renewal construction requirement that licensees demonstrate coverage to 90% percent of their license area; and (ii) a 100% coverage requirement by the end of the renewed license term.<sup>22/</sup> There is

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<sup>20/</sup> *NTCA Comments* at 4; *Blooston Licensees Comments* at 5-6.

<sup>21/</sup> *See NTCA Comments* at 2 (“In rural locations, deployment costs are often higher and there are fewer subscribers from which to recover an investment.”).

<sup>22/</sup> *See Comments of Rural Wireless Association, Inc.*, WT Docket No. 10-112, at 3-4 (filed Oct. 2, 2017) (“*Rural Wireless Association Comments*”).

no evidence that these mandatory obligations would produce any greater coverage than today's requirements; instead, they could provide disincentives for investment in hard-to-serve areas.

*Second*, proposals targeting larger wireless carriers are unnecessary. Contrary to NTCA's claims, wireless carriers' business plans do not ignore rural expansion and do not leave "significant swaths of spectrum" lying fallow.<sup>23/</sup> As noted above, coverage in rural areas is increasing, and wireless carriers have been and are continuing to invest heavily in network expansion.<sup>24/</sup> The Commission's own findings show that the result of the current rules has been consistently-increasing coverage and a vibrant, competitive commercial wireless industry.<sup>25/</sup> And in those instances in which a carrier may not be putting spectrum in a particular area to use, the Commission's partitioning and disaggregation rules provide the tools for providers to permit others to do so. Despite claims to the contrary,<sup>26/</sup> there is no evidence in the record that secondary market transaction costs are a barrier to entry or that licensees have no incentive to lease spectrum.

Should the Commission, however, proceed with ill-advised proposals to adopt additional renewal term performance requirements, any changes from the existing obligations – including imposition of a "keep-what-you-serve" penalty for failure to meet performance requirements –

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<sup>23/</sup> *NTCA Comments* at 2.

<sup>24/</sup> *See T-Mobile Lights Up World's First 600 MHz LTE Network at Breakneck Pace*, News Release, T-MOBILE (Aug. 16, 2017), <https://newsroom.t-mobile.com/news-and-blogs/cheyenne-600-mhz.htm> (discussing recent 600 MHz deployment in Cheyenne, Wyoming and plans for 600 MHz deployment this year in Northwest Oregon, West Texas, Southwest Kansas, the Oklahoma panhandle, Western North Dakota, Maine, Coastal North Carolina, Central Pennsylvania, Central Virginia and Eastern Washington).

<sup>25/</sup> *See, e.g., Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, Twentieth Report, WT Docket No. 17-69, FCC 17-126 (rel. Sept. 27, 2017).

<sup>26/</sup> *See Rural Wireless Association Comments* at 3.

should be applied on a prospective basis only. As discussed above, to do otherwise would undermine investment-backed expectations and harm markets for spectrum.<sup>27/</sup>

## **II. THE COMMISSION HAS MORE EFFECTIVE TOOLS TO PROMOTE BUILDOUT IN UNDERSERVED AND UNSERVED AREAS**

As other commenters point out, the Commission has more effective tools to encourage greater service to underserved and unserved areas than the blunt instrument of enhanced buildout requirements.

For instance, as Verizon states, “[t]he Commission is implementing a much more targeted program to expand mobile wireless broadband coverage in those rural areas that are unserved or underserved”<sup>28/</sup> – the Mobility Fund. The Mobility Fund is specifically designed to address areas which may be uneconomic to build out.<sup>29/</sup> Also, as CTIA details, the Commission’s ongoing proceedings “to lower federal, state, local, and Tribal regulatory costs and barriers to mobile broadband deployment . . . will be particularly beneficial for rural deployment.”<sup>30/</sup>

In addition, as the Commission envisions, it can provide *voluntary* incentives for providers to commit to meet new, higher buildout milestones. Commenters widely support use of voluntary incentives accompanied by increased buildout obligations. As CTIA states, “[a]n incentive-based license renewal approach is a far better, more market-oriented course of action

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<sup>27/</sup> See, e.g., *Blooston Licensees Comments* at 4; *Verizon Comments* at 15-16.

<sup>28/</sup> *Verizon Comments* at 5.

<sup>29/</sup> See *CTIA Comments* at 11 (citing to Commission and Commissioner statements on the Mobility Fund’s goals); *American Messaging Services Comments* at 6.

<sup>30/</sup> *CTIA Comments* at 11-12; see also *American Messaging Services Comments* at 5; *Verizon Comments* at 6-7.

than forced-build renewal proposals.”<sup>31/</sup> One such incentive could be a longer license term. As noted by American Messaging Services, the Commission has recognized that “extended license terms promote greater certainty for carriers, and as a result, more long-term investment and deployment of infrastructure[,]” and this would in turn “result in expanded coverage into unserved areas.”<sup>32/</sup> An incentive-based approach would be consistent with the Commission’s existing tools for encouraging additional deployment to unserved or underserved areas and “would encourage carriers to exceed the coverage requirements, in turn fostering more investment in infrastructure and expanded service[,]”<sup>33/</sup> without invalidating current licensees’ investment-backed expectations.

However, to avoid potential licensee disputes with the Commission, any additional incentives should only be available after an initial license term and any benefits conferred on licensees only after they have demonstrated compliance with any enhanced obligations. For example, a licensee that has met its initial buildout obligation could, at renewal, elect to meet an enhanced buildout requirement in exchange for a longer license term. But the licensee would not receive a longer license term unless it met the enhanced obligations at the end of the usual license term. And the licensee would still be required to meet the enhanced renewal obligations already adopted in this proceeding at the end of the usual license term in any event – failure to meet these new conditions would result in penalties independent of the failure to meet the enhanced performance requirements to which the licensee committed.

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<sup>31/</sup> *CTIA Comments* at 15; *see also Sensus Comments* at 3 (“If the Commission decides to adopt additional construction benchmarks, it should limit their application to existing geographic licenses that voluntarily accept such obligations.”).

<sup>32/</sup> *American Messaging Services Comments* at 6; *see also Verizon Comments* at 7; *CTIA Comments* at 16; *Sensus Comments* at 4.

<sup>33/</sup> *Verizon Comments* at 7.

### **III. COMMENTING PARTIES AGREE THAT NO ADDITIONAL REPORTING REQUIREMENTS SHOULD BE IMPOSED**

In the *FNPRM*, the Commission sought comment on the imposition of renewal reporting obligations – in particular, broadband adoption and affordability reporting.<sup>34/</sup> No commenters support the imposition of these additional reporting requirements. CTIA correctly states that the proposal would “complicate the renewal process and impose additional burdens on licensees, contrary to the purpose of this proceeding.”<sup>35/</sup> Verizon further notes that the requirements conflict with the Commission’s goals, and that such reports “would not advance broadband adoption and affordability” and would instead consume resources that would otherwise go towards improving networks.<sup>36/</sup>

T-Mobile agrees with these commenters and opposes the imposition of additional renewal reporting requirements. These new obligations are unnecessary and counterproductive. As other comments make clear, new renewal reporting obligations will not increase coverage; rather, they will increase burdens on providers and siphon provider resources away from deployment efforts. Market incentives – not reporting obligations – will cause carriers to cover more people and geography, and the Commission’s rules should reflect this reality.

### **IV. BAND-SPECIFIC LICENSING RULES SHOULD NOT BE ADJUSTED AS PART OF THIS PROCEEDING**

In its comments, Verizon proposes that the Commission adopt a presumption that, upon grant of a license renewal, any rules specific to a wireless service (and not applied to competing

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<sup>34/</sup> *FNPRM*, ¶ 112.

<sup>35/</sup> *CTIA Comments* at 18.

<sup>36/</sup> *Verizon Comments* at 17.

services) would sunset.<sup>37/</sup> Specific rules suggested for sunset include Section 22.921 on 911 call processing; Section 22.925 on airborne operation; and Section 27.16 on network access requirements.<sup>38/</sup> T-Mobile opposes this proposal.

T-Mobile supports elimination of outdated or burdensome rules, and in fact has suggested several such rules which could be eliminated in other proceedings before the Commission.<sup>39/</sup> If rules have outlived their utility or are no longer relevant, they should be eliminated. But this is true regardless of the renewal status of the licensee: if a rule is irrelevant or outdated, it is as much so in the initial term of a license as in its renewal terms. It makes no sense to apply a rule to the first term of a license but then remove it for subsequent terms.

For most rules cited by Verizon, there is no nexus between the rule and the renewal of the underlying license or this proceeding's actual purpose (reform of license renewals). There are existing and appropriate regulatory avenues in which to seek elimination of outdated rules,<sup>40/</sup> including proceedings in which Verizon has participated.<sup>41/</sup> Indeed, one of those proceedings specifically applies to one of the rules that Verizon points to here – the use of cellular frequencies onboard aircraft.<sup>42/</sup>

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<sup>37/</sup> *Verizon Comments* at 7.

<sup>38/</sup> *Id.* at 9.

<sup>39/</sup> *See, Reply Comments of T-Mobile USA, Inc.*, WT Docket No. 16-138, WC Docket No. 16-132, IB Docket No. 16-131 (filed Jan. 3, 2017).

<sup>40/</sup> *See, e.g., 2016 Biennial Review of Telecommunications Regulations*, WT Docket No. 16-138, WC Docket No. 16-132, IB Docket No. 16-131; *Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area*, WT Docket No. 12-40, RM No. 11510 ("Part 22 Proceeding").

<sup>41/</sup> *See, e.g., Comments of Verizon*, WT Docket No. 16-138, WC Docket No. 16-132, IB Docket No. 16-131, ET Docket No. 16-127, PS Docket No. 16-128 (filed Dec. 5, 2016); *Comments of Verizon*, WT Docket No. 12-40 (filed May 15, 2017).

<sup>42/</sup> *Part 22 Proceeding*.

The inappropriateness of considering Verizon's proposal in this proceeding is particularly pronounced with regard to one of the rules that Verizon seeks to eliminate: Section 27.16, which would affect substantive rights of other carriers by limiting their access to other providers' networks, an important inter-carrier obligation. That rule was the subject of a rulemaking proceeding where the merits of the obligations were fully developed on the record;<sup>43/</sup> the rule was ultimately imposed despite Verizon's objections;<sup>44/</sup> and Verizon agreed to comply with the rule as part of a consent decree entered into with the Enforcement Bureau, which had been investigating Verizon's non-compliance.<sup>45/</sup> Verizon has been fighting Section 27.16's requirements for over a decade, and its request here is, at best, a late-filed petition for reconsideration that should be rejected.

Ultimately, any change in the rules governing previously-auctioned spectrum is inherently problematic; the auction price associated with the spectrum to which the rule applies was determined in part by the obligations associated with the band. Changing a rule now would prejudice other auction participants (and non-participants) who expected the obligations established to apply throughout all license terms. Therefore, changing the rules now must only be done cautiously and after consideration of a complete record, not in the course of an unrelated proceeding.

Also, ironically, Verizon's proposal is directly contrary to the intent of this proceeding, which aims to simplify and streamline the renewal process, not add additional complications to it. Asking Commission staff to assess, as part of the renewal process, whether or not various

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<sup>43/</sup> *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, Second Report and Order, 22 FCC Rcd. 15289 ¶¶ 189-230 (2007).

<sup>44/</sup> *Id.*, ¶¶ 208-222.

<sup>45/</sup> *Cellco Partnership d/b/a Verizon Wireless*, Order, 27 FCC Rcd. 8932 (2012).

service-specific requirements should continue to apply to a license could require an in-depth inquiry, possibly including technical showings and filings from affected competitors (since, as noted above, one of the rules proposed for “sunset” directly affects the rights of other carriers). In addition, licenses in the same band often come up for renewal at different times. Tying the elimination of initial license obligations to renewal could result in a crazy mixture of licensees operating under different sets of rules within the same band. Adding such additional complication to renewal applications and reviews would be a mistake and undermine the worthwhile goals of the Commission in this proceeding.

## **V. CONCLUSIONS**

T-Mobile appreciates the Commission’s recent actions to streamline regulatory requirements and promote wireless service deployment. To ensure the greatest investment in wireless services, the Commission should (i) adopt renewal term construction obligations on an opt-in, voluntary basis only and provide incentives to encourage construction beyond licensees’ initial term obligations; (ii) decline to adopt additional renewal term reporting requirements; and (iii) reject Verizon’s proposal in this proceeding to eliminate band-specific obligations.

Respectfully submitted,

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